

**REMARKS**

Claims 2-16 are pending in this application. By this Amendment, claim 11 is amended; and claims 12-16 added. No new matter is added. Claims 11 and 12 are the independent claims.

Applicant notes with appreciation the Examiner's acknowledgement that certified copies of all priority documents have been received by the U.S.P.T.O.

**Objection to the Drawings**

The drawings are objected to under 37 C.F.R. 1.83(a). The drawings must show every feature of the invention specified in the claims, i.e., the serrated section of the anchoring member of claim 6. Applicant respectfully traverses the objection.

Although Applicant acknowledges that every feature of the invention specified in the claims must be shown, it is submitted, for a proper understanding of the invention, that a detailed illustration of the claimed invention is not required. See *MPEP 37 C.F.R. 1.83(a)*. Further, it is submitted that the "serrated" anchoring member is merely an alternative embodiment.

In view of the above, Applicant respectfully requests reconsideration and withdrawal of the objection to the drawings.

**Objection to the Claims**

Claim 5 is objected to because the intended meaning of "a length along the lateral edge of the sheet that exceeds the spacing between two juxtaposed insulating glass sheets," is unclear and not clarified as provided by the specification. Applicant respectfully traverses the objection.

Applicant respectfully submits that claim 5 is clear and completely supported by the written description of the instant application as originally filed. For example, *page 3, line 33 – page 4, line 2* of the originally filed disclosure describes that:

the length along the insulating-glass sheet edge of that anchoring member part that penetrates into said jointing substance sandwiched between the glass slabs ***exceeds*** the spacing between two juxtaposed insulating-glass sheets in order to allow reduction of the number of devices and consequently of the mounting time.

In other words, it is submitted that the claim 5 is interpreted as the edge of the anchoring member exceeding the spacing between the two juxtaposed insulating-glass sheets.

In view of the above, Applicant respectfully requests reconsideration and withdrawal of the objection.

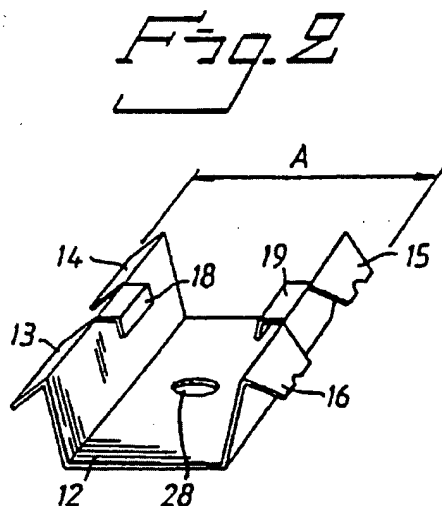
#### **Claim Rejections - 35 U.S.C. § 102**

Claims 2-5, 7-9, and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,493,831 (hereinafter, "Jansson"). Nonetheless, Applicant respectfully traverses the rejection for the reasons discussed below.

Applicant respectfully submits that the Jansson reference fails to disclose, or even suggest, *inter alia*, "said retainer member has an articulated connection to said anchoring member, such that said anchoring member is rotatable from a first position of rest to a second position of rest," as recited in amended claim 11.

Instead, the Jansson reference discloses that the clip 12 which is intended to be fitted between two neighboring facade elements 1, is secured mechanically in a frame structure 8. The clip 12 has two tongues which extend obliquely outwards in two mutually opposite directions. The clip 12 has four such tongues 13, 14, 15, 16. When no load acts on the clip, the distance A between the outer extremities of the

tongues 13, 16, 14, 15 exceeds the distance B between two neighboring facade elements 1. The clip 12 is elastically deformable, so that the tongues can be brought closer together and thereby enable the clip 12 to be placed between two neighboring facade elements 1, as illustrated in FIG. 3a. When the clip is subjected to load, the tongues 13-16 are able to penetrate the glue 7 between the glass panes or sheets 1, 2.<sup>1</sup> In this respect, FIG. 2 of the Jansson reference is reproduced below.



In other words, the clip 12 of FIG. 2 is held with a pair of tongues and, thus, it cannot be in a "position of rest." The anchoring member as taught by the claimed invention provide the glass sheet to be mounted without applying any external deforming force to the device in the glass sheet cladding in the first and second position of rests, i.e., when the device has been put in place, both hands may be used for arranging the glass sheets, so that the glass sheets thereafter may be locked in place by tilting the anchoring member to a second position.

Accordingly, Applicant respectfully submits that the Jansson reference fails to disclose, or even suggest, *inter alia*, "said retainer member has an articulated connection to said anchoring member, such that said anchoring member is rotatable

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<sup>1</sup> See the Jansson reference, col. 3, lines 8-23.

from a first position of rest to a second position of rest,” as recited in amended claim 11.

Therefore, contrary to the Examiner’s contention, the Jansson reference does not disclose or suggest each and every element of claim 11.

Since the Jansson reference fails to disclose each and every element of claim 11, it cannot provide a basis for a rejection under 35 U.S.C. § 102(b) and, thus, is allowable. Claims 2-5 and 7-9 depend from claim 11 and, therefore, allowable for the similar reasons discussed above with respect to claim 11.

For at least these reasons, the Examiner is respectfully requested to reconsider and withdraw the § 102(b) rejection of claims 2-5, 7-9, and 11.

**Claim Rejections - 35 U.S.C. § 103**

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Jansson in view of US Patent No. 4,766,709 (hereinafter, “Galbraith”). Applicant respectfully traverses this rejection for the reasons detailed below.

Claim 6 is believed to be allowable for at least the reasons set forth above regarding claim 11. The Galbraith reference fails to provide the teachings noted above as missing from the Jansson reference. For example, the Galbraith reference discloses that the anchor brackets 21 are fixed to the frame 11, such as by welding. (*See col. 6, lines 51-53 of the Galbraith reference*). Since claim 6 is patentable at least by virtue of their dependency on independent claim 11, Applicant respectfully requests that the rejection of claim 6 under 35 U.S.C. § 103(a) be withdrawn.

**New Claims**

New claims 12-16 have been added in an effort to provide further, different protection for Applicant's invention. Claim 14 is allowable at least for reasons somewhat similar to those given for claim 11 above and/or for the further features recited therein. For instance, claim 14 recites, *inter alia*, "said retainer member has an articulated connection to said anchoring member, such that said anchoring member is rotatable from a first unbiased position to a second unbiased position." As discussed above, since deforming forces must be applied to the clip 12 of the Jansson reference at the mounting of the glass sheet, the deforming forces arrange the clip in a biased condition.

**Entry of After Final Amendment**

Entry of this amendment is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issues requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) place the application in better form for appeal, should an appeal be necessary. Entry of the Amendment is thus respectfully requested.

**CONCLUSION**

In view of the above remarks and amendments, Applicant respectfully submits that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. Further, the above remarks demonstrate the failings of the outstanding rejections, and are sufficient to overcome the rejections. However, these remarks are not intended to, nor need they, comprehensively address each and every reason for the patentability of the claimed subject matter over the applied prior art. Accordingly, Applicant does not contend that the claims are patentable solely on the basis of the particular claim elements discussed above.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By

  
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